

absence of conveniences of travel and its large population with a heavy crop of civil suits, the necessity for the establishment of a Munsiff's Court at Todupuzha had been repeatedly brought to the notice of Government but without avail. The establishment of the additional court at Muvattupuzha had served to relieve the heavy work of the local Munsiff, but had not in any way tended to relieve the trouble and inconvenience experienced by the inhabitants of Todupuzha taluk. The additional court at Muvattupuzha was now being held in the satrom buildings and its transfer to Todupuzha would not cost Government more, as there was already a Government building at the place built for the Tahsildar's quarters which could be made available for housing the Munsiff's Court. The Member therefore prayed that the Additional Munsiff's Court at Muvattupuzha might be transferred to Todupuzha with the re-opening of the civil courts after the ensuing midsummer recess.

*Dewan's reply.*—When the term of the Muvattupuzha Additional Munsiff's Court expires, the question of transferring it to Todupuzha will be considered in consultation with the High Court.

**42. The establishment of a Munsiff's Court or the appointment of a Magistrate-Munsiff at Alwaye.**

*Sahib Bahadur M. K. Kadar Pillai* (Member, Nominated) urged the following points in support of his representation—

- (1) the rising importance of Alwaye as a trading and commercial centre,
- (2) the existence there of almost all the public offices such as the Taluk Cutcherry, the 2nd and 3rd Class Magistrates' Courts, the Sub-Registrar's office, and the Panchayat Court to which people had to come for the due discharge of their business,
- (3) the inconveniences felt by the inhabitants of the surrounding pakuthies in having to go to Parur or Perumpavur for the conduct of their civil cases,
- (4) the likelihood of having sufficient work for a court at Alwaye and the need which would otherwise arise for opening two additional Courts at Perumpavur and Parur,
- (5) the difficulty which the litigant public who resorted to the Panchayat Court at Alwaye, now often experienced in the matter of serving processes and execution of their decrees, by having to proceed through two Munsiffs' Courts (Parur and Perumpavur) in one and the same case, and
- (6) the flood in the river during the monsoon, and the difficulties experienced by many people who had to go to Perumpavur from Alwaye.

The Member suggested, in the alternative, the investing of one of the Second Class Magistrates at Alwaye with the powers of a Munsiff.

*Dewan.*—The High Court say that it is unnecessary to have a Munsiff's Court at Alwaye.

*Member.*—I am very sorry.

*Dewan.*—We are generally guided by the High Court's opinion.

*Member.*—If the Chief Justice had been here, I would have convinced him of the necessity for a Munsiff's Court at Alwaye.

*Dewan.*—I would suggest your memorialising the High Court.

*Member.*—Perhaps, if a recommendation is made from the Government, the High Court may agree.

*Dewan.*—Your representation will be referred to the High Court again.

**43. Need for greater attention being paid to the administration of criminal justice in the Minachil taluk.**

*Mr. Ulahannan Ulahannan* (Member, Minachil Taluk) said that he had urged at the session of the Assembly of 1091 the establishment of a First Class

Magistrate's Court at Minachil, that for some time after that representation there was a First Class Magistrate's Court there, that subsequently a Second Class Magistrate alone was being sent, and that the people therefore experienced great difficulty in the conduct of their First class cases by having to go to Kanjirapalli, Kottayam or Perumpavur. He, therefore, prayed that the Magistrate sent to Minachil might be one with First Class powers. He further observed that the volume of crime in the taluk being large, the hands of the Police should be strengthened by the appointment of a separate Circle Inspector for the taluk. The Member also repeated the old request for making Ramapuram a charging station.

*Dewan's reply.*—The question of investing the Tahsildar of Minachil with First Class powers will be considered. The Peishkar and the High Court say that a First Class Magistrate is not necessary there. The Commissioner of Police says that a Circle Inspector is unnecessary at Minachil; there are only 17 Circle Inspectors for 34 taluks. A second charging station has been arranged to be opened. The question of making Ramapuram a charging station will be considered.

#### 44. Desirability of establishing a Magistrate's Court at Kuttattukulam,

*Mr. Avira Mathai* (Member, Muvattupuzha Taluk) said that he had represented the subject in person to the Dewan during his last tour and that he had kindly promised to give a Bench Magistrate for the present. The Member submitted that Kuttattukulam was 12 miles from Muvattupuzha and 16 miles from Ettumanur and that it was the centre of the taluk with an important market and a Police Station, an English School, and a Sub-registry office. The absence of a Magistrate's court was being keenly felt by the people who suffered petty inconveniences and annoyances. The distance from Piravam to Muvattupuzha was 22 miles. He understood that some Magisterial reforms were under contemplation and requested that their prayer might be considered in that connection.

*Dewan's reply.*—The matter will be examined.

#### 45. Need for further provisions in the Municipal Regulation to facilitate Municipal administration.

*Mr. P. K. Narayana Pillai B. A. & B. L.* (Member, Municipal Council, Kottayam) prefaced his observations by admitting that the Municipal Regulation, V of 1895, being quite new, it was premature to offer effective criticism with regard to its operation. The comments which he offered were therefore meant only to clear the ground and to have certain patent *lacunae* filled up before the Regulation itself was set to regular working. Proceeding, the Member invited attention to Sections 53 and 58, the former relating to the vesting of properties, and the latter defining the obligations of a Municipality. It was doubtful whether public wells vested in Municipalities. Public streets were vested in Municipalities under Section 53. But with reference to the definitions of "public street" and "street" in the Regulation, and of "public" in the General Clauses Regulation, he pointed out that the essence of a public road or street was the right of way, or the right to pass along, possessed by the public. As, according to the Land Conservancy Regulation and the ruling in 5 T. L. R. page 227, the public possessed no such right over the roads in general in the State, they were but licensees in the matter of using the public roads. The Member then referred to the prohibitory notice-boards in the vicinity of temples, &c., placing checks on the freedom of passage of the public. Whatever different sections of the public might say about those boards, he (the Member) thought that the Government were within their rights in putting them up. Since there was no public street in the State as defined in the Regulation, no such thing vested in any Municipality under Section 53, and no Municipality, he argued, was bound to maintain, light or clean any road under Section 58 as the law stood at present. Those difficulties had to be cleared up.

The Member then drew attention to Section 47 of the Regulation. The Municipalities had to pay for the land assumed under that Section. But the Municipal Councils could not appear and adduce evidence before a Land Acquisition Officer,